

REMARKS

This paper responds to the Office Action of December 17, 2008, which was made final, and in which the Examiner rejected claims 43-45, 47-50, 51-58, and 75-82 under 35 U.S.C. § 103(a).

By this paper, claims 43, 47, 51, 56-58 and 81 have been amended, claim 84 has been cancelled, and claims 85-89 have been added.

A Request for Continuing Examination (RCE) is submitted herewith.

Amendments to the Claims

Claims 43, 47, 51, 56-58 and 81 have been amended. Support for the 'drawn from previously produced records...depicting similar elements' amendment of claim 43 is found in the specification at, e.g., ¶¶ [0054] and [0187]. Support for the 'wherein generally similar...depicting similar steps or actions' amendment of claims 43 and 81 and the 'grouping generally similar' amendment in claim 51 is found in the specification at, e.g., ¶¶ [0054] and [0187]. Support for the 'wherein generally similar stored images depicting similar steps or actions' amendment of claim 47 (and 'group of depicting similar steps' amendment of claim 56) is found at, for example, at ¶ [0023]. Support for the 'stored text associated with one group' in claims 43 and 81 and 'groups of stored images' amendments in claims 47 and 51, is found at, for example, ¶ [0187].

Claim 84 has been cancelled.

Claims 85-89 have been added. Support for claim 85 is found at e.g., ¶ [0205] and originally filed claim 56. Support for claim 86 is found at, e.g., ¶ [0023]. Support for claim 87 is found at, e.g., ¶ [0029]. Support for claim 88 is found at, e.g., ¶ [0019]. Support for claim 89 is found at, e.g., ¶¶ [0186]-[0188].

Rejections Under 35 U.S.C. § 103

Claims 43–45, 47–58, and 75–82

Claims 43–45, 47–50, 51–58, and 75–82 stand rejected under 35 U.S.C. § 103(a) over the combination of U.S. Patents 6,397,213 (“Cullen”), 6,804,684 (“Stubler”) and 6,031,526 (“Shipp”). This rejection is traversed for at least the following reasons.

The combination of Cullen, Stubler, and Shipp does not teach the subject matter of claims 43–46, and 47–58, and 81–83, as amended, and claims 75–80.

Cullen does not disclose “a library of stored images drawn from previously produced records, wherein generally similar stored images depicting similar elements across different previously produced records are grouped together” as recited in independent claim 43 or “groups” or “groupings” of stored images recited in independent claims 47, 51, 56, 75 and 81 as amended.

Cullen discloses a document “decomposition” document management system with “archival” and “search and retrieval” capabilities. (Cullen, see, e.g. Abstract; claims 1, 20, 26.) After digitization of a document, document pages are decomposed into one or more text, image, and/or ‘image+text’ zones (i.e., an image accompanied by a caption, see Cullen, column 4, lines 1–3) and archived. The Examiner states that Cullen’s decomposition and annotation process when used on a document zone containing an ‘image+text’ teaches the libraries of stored images and stored text of the current claims:

The text is associated with the image by attaching a caption or the header as discussed in column 4, lines 1–6 [of Cullen].

(Dec. 17, 2008 Office Action, page 5).

However, Cullen does not disclose grouping related images together from different medical records and a stored text associated with each group as in the current claimed invention. Cullen discloses a document retrieval system wherein “zones are defined within, and associated with a document page.” (Cullen, Abstract, emphasis added). Thus, while Cullen discloses a

method of associating text with an image within a page, Cullen does not disclose a method of grouping images from different pages (i.e., records) such that a single text would be associated with each group.

Stubler does not address the disclosure deficiency of Cullen. Stubler does not disclose a “library of stored texts” or a library of grouped stored images as recited in the current claims. Stubler is a method of generating captions for one or a plurality of newly acquired pictures based on image similarity with images stored in a database, where the images have preexisting labels or captions associated with them. (Stubler, column 3, lines 14–20).

Stubler does not disclose a library of stored texts, as recited by the current claims. Further, Stubler does not disclose grouping images already in the database into groups. Stubler discloses assigning captions to a plurality of images simultaneously. (Stubler, column 3, lines 45–48). To facilitate this, Stubler discloses grouping new images by metadata similarity (e.g., Stubler, column 7, lines 15–30), and assigning captions, partial caption, or other metadata from the database to each image within the newly acquired group simultaneously (Stubler, column 8, ln. 18–39). Moreover, Stubler does not discuss retaining the groupings as the new images are added to the database, or grouping images in the database across different acquisition events (such as, for an non-limiting example, between similar procedures taking place at different times or places). Stubler does not teach a library of stored texts, or a library of images associated into groups as recited by the current invention.

Further, the effective date of Stubler as a reference and the earliest filing date of the present application are close, and the right to file a Rule 1.131 affidavit is reserved.

Shipp does not address the disclosure deficiencies of Cullen or Stubler. Shipp discloses a method of converting voice dictation into text and inserting it into a medical record. (See, e.g., Shipp, Abstract). It does not teach a library of grouped stored images or a library of stored texts, wherein each text is associated with one group, as recited by the current claims.

Thus, Cullen, Stubler and Shipp, alone or in combination, do not disclose or suggest the subject matter of independent claims 43, 47, 51, 56, and 81 as amended, or claim 75. The

Applicant further notes, for the reasons given more fully below for claims 46 and 83, the Prokoski reference does not correct the deficiencies of Cullen, Stubler or Shipp.

Claims 44-46, 48-50, 52-55, 57-58, 76-80, and 82 depend from either claim 43, 47, 51, 75 or 81, and are allowable for the same reasons, and further in view of their additional recitations.

For at least the preceding reasons, the rejection based on the asserted Cullen/Stubler/Shipp combination should be withdrawn.

Claims 46 and 83

Claims 46 and 83 stand rejected under 35 U.S.C. § 103(a) over the combination of Cullen, Stubler, Shipp and US Patent 6,529,617 ("Prokoski"). This rejection is traversed for at least the following reasons.

Claims 46 and 83 are dependent from claims 41 and 81, respectively, and thus are patentable for the reasons noted above with respect to the asserted Cullen/Stubler/Shipp combination, as well as for their additional recitations.

Prokoski does not correct the disclosure deficiencies of Cullen, Stubler or Shipp, whether alone or in combination. Prokoski discloses a method for maintaining the alignment medical instruments, via a minutiae generator which produces a signal representative of minutiae of the individual, the minutiae corresponding to specific branch points of blood vessels of the individual, and does not teach a library of grouped stored images or a library of stored texts, wherein each text is associated with one group as recited by the current claims.

For at least these reasons, the rejection of these claims should be reconsidered and withdrawn.

Conclusion

This paper is being submitted on or before June 17, 2009, and an extension of time until that date is requested. Also, a Request for Continued Examination (RCE) is submitted herewith. The required fees should be charged to Deposit Account No. 04-1420. The Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment, to the above account.

The application now stands in allowable form, and reconsideration and allowance are respectfully requested.

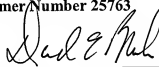
Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date:

June 11, 2009

By:



David E. Bruhn, Reg. No. 36,762
(612) 340-6317